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09/601,810	08/03/2000	Robert John Colver	1518.005	3585

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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3637

DATE MAILED: 08/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/601,810

Applicant(s)

COLVER, ROBERT JOHN

Examiner

Chi Q Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 12, 14-22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12, 14-22 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the **sheeting** must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because the phrase use as "the ribs" is plural. However, in figs. 3a and 3b showing a singular rib 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12, 14, 16, 18 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowers (US 3,605,350).

Bowers discloses modular housing structure comprising at least three parallel vertically uniformly spaced oriented rectangular frame members 30, 66 spaced along the length of the module, each frame member 30 or 66 having four sections forming a rectangle

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(see fig. 8) a multiple parallel horizontal runners 28, 64 connected to the frame members, sheeting 32, 68, are attached to the runners 28, 64, horizontal corner members 12, 52, joists 56. (See figs. 3-6).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15, 19-20, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers (US 3,605,350) in view of van der Lely et al. (US 4,048,769). Bowers (-350) discloses a modular housing structure comprising at least three parallel vertically uniformly spaced oriented rectangular frame members 30, 66 spaced along the length of the module, a multiple parallel horizontal runners 28, 64 connected to the frame members, sheeting 32, 68 are attached to the runners 28, 64, horizontal corner members 12, 52, joists 56.

Bowers does not disclose expressly the joists are in C-shaped cross section, the framework is formed of light gauge steel, and a plurality of modules stacked one atop the other and / or side-by-side. Lely (-769) teaches building formed by one or more prefabricated building sections having a plurality of modules stacked one atop the other and/or side by side (see fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in the to combine Bowers' modular housing structure arrange by Lely's teaching. The motivation for doing so would have been to provide a

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completed building with many living units. Bowers and Lely are silent to disclose the material formation of the framework, the shape of cross section and the method of assembly, examiner considers it has been held to be within the general skill of a worker in the art to select a known formation of steel on the basis of its suitability of the intended use as a matter of obvious design choice.

With regards to method claims 21-22, Bowers and Lely disclose the structural elements for the prefabricated building except for the method of assembly, examiner considers it inherent from the structures disclose by Bowers and Lely that the same method indicated in claims 21-22 would obviously be used horizontal runners welded to vertical building members and attached the sheeting thereto.

7. Claims 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eby (US 6,267,079) in view of van der Lely (US 4,048,769).

Edy discloses a lattice framework comprising at least three parallel vertically oriented rectangular frame members 48 spaced along the length of the module 20, each of frame members 48 comprising four frame sections two vertical, two horizontal sections forming rectangular, multiple parallel horizontal runners 31 transversely connected to the vertical frame sections, horizontal corner members 35 extending across the framework. (See fig. 1).

Eby does not disclose expressly the module having sheeting attached to the runners to form enclosure. Van der Lely teaches building formed by one or more prefabricated building sections having insulation sheets 55 are applied a façade cover plate 56 to form a building enclosure. (See figs. 1-5). At the time of the invention, it would have

been obvious to a person of ordinary skill in the art to modify and combine Eby's with van der Lely for the sheeting attached to the horizontal runners. The motivation for doing so would have been to provide a wall for the enclosure.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 12, 14-22, and 25 have been considered but are moot in view of the new ground(s) of rejection for claims 12 and 18. Claims 14-17, 19-22, and 25 are still stand from previous office action. With applicant's amendment claim 12, the limitations recite as "a lattice framework formed of at least three parallel vertically oriented rectangular frame members spaced along the length of the module, each of said frame members comprising four frame sections forming a rectangle..." are confusing because according to applicant's fig. 4, only two rectangular sections for top, bottom, sidewalls, end walls are parallel to each other, respectively. Furthermore, the sheeting not showed in the drawings according to claim 12.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Powers (US Des. 427,730), Wilson (US 1,106,267), Poliquin (US 6,199,336), Bolt (US 2,877,875), Bartlett (US 5,943,814), Goyheniex (US 4,367,694), Perri (US 3,638,380), Gavin (US 6,253,521), Wells (US 6,003,280), Gromat (US 5,950,374).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Monday-Thursday (7:00-5:30), Fridays off or examiner's supervisor, Lanna Mai can be reached at (703) 308-2486. The fax number for the organization where this application or proceeding assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



CQN  
8/20/02

  
**JOSE V. CHEN**  
**PRIMARY EXAMINER**